

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:09-CR-216-FL

UNITED STATES OF AMERICA)	
)	
v.)	<u>GOVERNMENT'S MOTION</u>
)	<u>TO SEQUESTER</u>
HYSEN SHERIFI)	FED. R. EVID. 615
ANES SUBASIC)	
ZAKARIYA BOYD, a/k/a/ "Zak;")	
DYLAN BOYD, a/k/a "Mohammed;")	
MOHAMMAD OMAR ALY HASSAN;)	
and)	
ZIYAD YAGHI,)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby moves pursuant to Rule 615, Federal Rules of Evidence, and with the noted exceptions, to sequester the witnesses of each party to this action during trial of the matter.

Consistent with Rule 615, the government requests that expert witnesses, those rendering expert opinions and whose presence will be necessary to the parties during the trial, should be excepted from sequestration. Fed. R. Evid. 615(3). This would include linguists and/or translators of Arabic, Bosnian, and Albanian, as well as experts which have been named in the areas of religion, terrorism and Islamic extremism. "An expert who is not expected to testify to the facts, but only assumes facts for the purposes of rendering opinions, might just as well hear all of the trial testimony so as to be able to base his opinion on more accurate factual assumptions." Opus 3 Ltd v. Heritage Park, Inc., 91 F.3d

625, 629 (4th Cir. 1996).

Respectfully submitted, this 31st day of May, 2011.

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CERTIFICATE OF SERVICE

This is to certify that I have this 31st day of May, 2011, served a copy of the foregoing upon counsel for the defendants in this action by electronically filing the foregoing with the Clerk of Court, using the CM/ECF:

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and further, upon defendant Anes Subasic by placing a copy postage pre-paid in first class mail addressed to: Anes Subasic, Public Safety Center, Attn: Wake County Jail, Post Office 2419, Raleigh, NC 27602.

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